

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:21-cv-23103-BLOOM

CASA EXPRESS CORP, as Trustee of
CASA EXPRESS TRUST,

Judgment Creditor,

V.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Judgment Debtor.

CASA EXPRESS CORP, as Trustee of
CASA EXPRESS TRUST,

Plaintiff,

V.

RAUL GORRIN BELISARIO, et al.

Impleaded Defendants.

**PLAINTIFF AND JUDGMENT CREDITOR'S RESPONSE TO RAUL GORRIN
BELISARIO'S MOTION TO VACATE CLERK'S DEFAULT UNDER RULE 55(c)**

Out of an abundance of caution, Plaintiff and Judgment Creditor Casa Express Corp, as Trustee of Casa Express Trust (“Casa Express”) responds to Impleaded Defendant Raul Gorriñ Belisario’s (“Gorriñ”) Motion to Vacate Clerk’s Default Under Rule 55(c) (the “Motion”).

On November 30, 2022, the Court entered an Order [ECF No. 105] granting in part and denying in part Casa Express’s Motion for Partial Modification and Clarification [ECF No. 77] that makes the Clerk’s Defaults entered against Gorrin and Claudia Patricia Diaz Guillen (“Guillen”) moot. The Order requires Casa Express to re-serve Gorrin and Guillen with their respective Notices to Appear and to provide them with 21 days to respond to the Amended *Ex*

Parte Motion to Commence Proceedings Supplementary, to Implead Defendants, and for Issuance of Statutory Notices to Appear (the “Amended Motion”):

2. Plaintiff **shall** serve previously issued Notices to Appear to Impaled Defendants Belisario and Guillen in compliance with Chapter 48, Florida Statutes.

4. Impaled Defendants Belisario and Guillen shall respond to the Amended *Ex Parte* Motion **within 21 days of service** of the statutory notices to appear and the Amended *Ex Parte* Motion.

[ECF No. 105] at ¶¶ 2;4 (emphasis added). Although Casa Express had already properly served Gorrin and Guillen, it will re-serve them with their respective Notices to Appear, the Amended Motion, and the Court’s Order to advise them that they must file a response to the Amended Motion within 21 days of service. For this reason, Casa Express respectfully requests that the Court deny the motion as moot.

The Court should also deny the Motion because it violates the conferral requirement prescribed by local rule 7.1(a)(3). “The purpose of the rule is to ensure judicial economy and prevent courts from considering issues the parties could agree on independently, and to ascertain whether the Court need wait for a response from the opposing party before deciding the motion.”

Martinez v. Miami Children's Health Sys., Inc., No. 21-CV-22700, 2022 WL 1469413, at *2 (S.D. Fla. May 10, 2022) (J. Bloom). Here, Casa Express would have agreed to vacating the default and granting Gorrin an extension of time to respond to the Amended Motion. The Court should deny the Motion for Gorrin’s failure to confer. *See Jurado v. Wells Fargo, N.A.*, No. 19-CV-60001, 2019 WL 8884614, at n. 1 (S.D. Fla. Mar. 19, 2019) (“Plaintiffs failed to confer under Local Rule 7.1 prior to filing the Motion, and it is thus due to be denied upon this basis alone”) (J. Bloom).

WHEREFORE, Plaintiff and Judgment Creditor Casa Express Corp, as Trustee of Casa Express Trust, respectfully requests that the Court deny the Motion to Vacate Clerk’s Default

Under Rule 55(c) as moot and for violating the conferral requirement prescribed by S.D. Fla. L.R. 7.1(a)(3).

Dated: December 15, 2022

Respectfully submitted,

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of Casa Express Trust*

CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2022, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system.

By: /s/ Andres Gamardo
Andres Gamardo, Esq.